

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

270

CRM-M No.5387 of 2018
Date of Decision: March 20th, 2018

Virsa Singh

.....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Munish Puri, Advocate
for the petitioners.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab.

Mr. Sanjeev Kumar, Advocate
for respondent No.2.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for quashing of FIR No.152 dated 17.11.2014 registered under Sections 323, 324, 506, 34 IPC, later on added Section 326 IPC at Police Station Ghuman, Batala and all consequential proceedings arising therefrom on the basis of a compromise dated 11.09.2017 (Annexure P-2), which has been entered into between the parties.

The case came up for hearing before this Court on 08.02.2018, when following order was passed:-

“Notice of motion.

At this stage, Mr. Sanjeev Kumar, Advocate, has appeared and filed power of attorney on behalf of respondent No.2. On the asking of the Court, Mr. Kuldeep Singh, Sr. DAG, Punjab, has accepted notice on behalf of respondent (s)-State. Copies of the paper book along with documents have been supplied to the said counsel.

Service is complete.

Learned counsel for the petitioner as well as learned

counsel for respondent No.2 state that compromise has been effected between the parties.

Now the parties are directed to appear before the learned trial Court where the case is pending on 23.02.2018 and to get recorded their statements regarding compromise and after recording their statements, learned trial Court, is directed to send the report regarding the genuineness of compromise on or before the date fixed i.e.20.03.2018.

A copy of this order be sent to learned trial Court, through fax, for compliance.”

In compliance with the order passed by this Court, Judicial Magistrate Ist Class, Batala, has submitted its report dated 14.03.2018. Parties had appeared before the said Court and got recorded their statements on 23.02.2018.

As per the report of Judicial Magistrate Ist Class, Batala, the compromise entered into between the parties was found to be valid, genuine, voluntary and with free consent, without any pressure, threat, coercion or undue influence from any quarter.

Counsel for the petitioner and the complainant inform the Court that co-accused of the petitioner Kuldeep Singh has since expired.

Counsel for the petitioner as also the complainant, in the light of the report of the Judicial Magistrate Ist Class, Batala, state that the present petition deserves to be allowed.

Keeping in view the fact that the matter has been amicably settled between the parties and there is no further grudge between them, especially in the light of the report of the Judicial Magistrate Ist Class, Batala, the present petition deserves to be allowed in the light of the principles laid down by judgment of Supreme Court in ***Madan Mohan***

Abbot Versus State of Punjab 2008 (2) RCR (Criminal) 429 and in ***Criminal Appeal No.1723 of 2017*** titled as ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another***, decided on 04.10.2017.

Ordered accordingly.

FIR No.152 dated 17.11.2014 registered under Sections 323, 324, 506, 34 IPC, later on added Section 326 IPC at Police Station Ghuman, Batala and all consequential proceedings arising therefrom, are hereby quashed.

March 20th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No